
By: **Delegates Rosenberg and Kach**

Introduced and read first time: February 13, 2004

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Facilities - Advanced Cardiac Health Care Services**

3 FOR the purpose of requiring a certificate of need before a health care facility
4 establishes an advanced cardiac health care service; prohibiting a health care
5 facility from performing percutaneous coronary intervention unless the health
6 care facility also performs open heart surgery at the same location; authorizing
7 a health care facility that does not perform open heart surgery at the same
8 location to perform primary percutaneous coronary intervention; defining
9 certain terms; and generally relating to regulation of advanced cardiac health
10 care services.

11 BY repealing and reenacting, with amendments,
12 Article - Health - General
13 Section 19-120(a) and (j)(2)
14 Annotated Code of Maryland
15 (2000 Replacement Volume and 2003 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article - Health - General
18 Section 19-120(j)(1)
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2003 Supplement)

21 BY adding to
22 Article - Health - General
23 Section 19-120(j)(4)
24 Annotated Code of Maryland
25 (2000 Replacement Volume and 2003 Supplement)

26 Preamble

27 WHEREAS, The field of cardiac services has changed in the two decades since
28 legislation first required a certificate of need for open heart surgery; and

1 WHEREAS, A joint American College of Cardiology/American Heart Association
 2 Task Force on Practice Guidelines recommends that hospitals performing elective
 3 percutaneous coronary intervention have cardiac surgery services available on-site;
 4 and

5 WHEREAS, It has been demonstrated by numerous clinical studies that there is
 6 a direct correlation between the volume and quality of outcomes for percutaneous
 7 coronary intervention and open heart surgery; and

8 WHEREAS, Maryland's regionalized planning has produced high-volume,
 9 high-quality centers of excellence for cardiovascular care; and

10 WHEREAS, The standard of care in Maryland is the co-location of percutaneous
 11 coronary intervention and open heart surgery; and

12 WHEREAS, Providing services outside the standard of care may expose
 13 physicians, surgeons, nursing and technical staff and hospitals to malpractice
 14 litigation; and

15 WHEREAS, Performing elective percutaneous coronary intervention in a health
 16 care facility without on-site open heart surgery exposes Marylanders to an
 17 unnecessary risk with no clinical benefit; now, therefore,

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 19 MARYLAND, That the Laws of Maryland read as follows:

20

Article - Health - General

21 19-120.

22 (a) (1) In this section the following words have the meanings indicated.

23 (2) "ADVANCED CARDIAC HEALTH CARE SERVICE" MEANS:

24 (I) PERCUTANEOUS CORONARY INTERVENTION; AND

25 (II) OPEN HEART SURGERY.

26 [(2)] (3) "Limited service hospital" means a health care facility that:

27 (i) Is licensed as a hospital on or after January 1, 1999;

28 (ii) Changes the type or scope of health care services offered by
 29 eliminating the facility's capability to admit or retain patients for overnight
 30 hospitalization;

31 (iii) Retains an emergency or urgent care center; and

32 (iv) Complies with the regulations adopted by the Secretary under §
 33 19-307.1 of this title.

1 [(3)] (4) (i) "Health care service" means any clinically related patient
2 service.

3 (ii) "Health care service" includes a medical service.

4 [(4)] (5) "Medical service" means:

5 (i) Any of the following categories of health care services:

6 1. Medicine, surgery, gynecology, addictions;

7 2. Obstetrics;

8 3. Pediatrics;

9 4. Psychiatry;

10 5. Rehabilitation;

11 6. Chronic care;

12 7. Comprehensive care;

13 8. Extended care;

14 9. Intermediate care; or

15 10. Residential treatment; or

16 (ii) Any subcategory of the rehabilitation, psychiatry,
17 comprehensive care, or intermediate care categories of health care services for which
18 need is projected in the State health plan.

19 (6) "PERCUTANEOUS CORONARY INTERVENTION" MEANS A PROCEDURE
20 WHEREBY A CATHETER IS INSERTED IN A BLOOD VESSEL AND GUIDED TO THE SITE
21 OF THE NARROWING OF A CORONARY ARTERY TO RELIEVE CORONARY ARTERY
22 OBSTRUCTION.

23 (7) "PRIMARY PERCUTANEOUS CORONARY INTERVENTION" MEANS
24 PERCUTANEOUS CORONARY INTERVENTION PERFORMED ON AN EMERGENCY BASIS
25 ONLY FOR MANAGEMENT OF AN ACUTE MYOCARDIAL INFARCTION.

26 (j) (1) A certificate of need is required before the type or scope of any health
27 care service is changed if the health care service is offered:

28 (i) By a health care facility;

29 (ii) In space that is leased from a health care facility; or

30 (iii) In space that is on land leased from a health care facility.

1 (2) This subsection does not apply if:

2 (i) The Commission adopts limits for changes in health care
3 services and the proposed change would not exceed those limits;

4 (ii) The proposed change and the annual operating revenue that
5 would result from the addition is entirely associated with the use of medical
6 equipment;

7 (iii) The proposed change would establish, increase, or decrease a
8 health care service and the change would not result in the:

9 1. Establishment of a new medical service or elimination of
10 an existing medical service;

11 2. Establishment of an [open heart surgery] ADVANCED
12 CARDIAC HEALTH CARE SERVICE, organ transplant surgery, or burn or neonatal
13 intensive health care service;

14 3. Establishment of a home health program, hospice
15 program, or freestanding ambulatory surgical center or facility; or

16 4. Expansion of a comprehensive care, extended care,
17 intermediate care, residential treatment, psychiatry, or rehabilitation medical
18 service, except for an expansion related to an increase in total bed capacity in
19 accordance with subsection (h)(2)(i) of this section; or

20 (iv) 1. At least 45 days before increasing or decreasing the
21 volume of 1 or more health care services, written notice of intent to change the volume
22 of health care services is filed with the Commission;

23 2. The Commission in its sole discretion finds that the
24 proposed change:

25 A. Is pursuant to the consolidation or merger of 2 or more
26 health care facilities, the conversion of a health care facility or part of a facility to a
27 nonhealth-related use, or the conversion of a hospital to a limited service hospital;

28 B. Is not inconsistent with the State health plan or the
29 institution-specific plan developed and adopted by the Commission;

30 C. Will result in the delivery of more efficient and effective
31 health care services; and

32 D. Is in the public interest; and

33 3. Within 45 days of receiving notice under item 1 of this
34 subparagraph, the Commission shall notify the health care facility of its finding.

35 (3) (I) A CERTIFICATE OF NEED IS REQUIRED BEFORE A HEALTH CARE
36 FACILITY ESTABLISHES AN ADVANCED CARDIAC HEALTH CARE SERVICE.

1 (II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS
2 PARAGRAPH, A HEALTH CARE FACILITY MAY NOT PERFORM PERCUTANEOUS
3 CORONARY INTERVENTION UNLESS THE HEALTH CARE FACILITY ALSO PERFORMS
4 OPEN HEART SURGERY AT THE SAME LOCATION.

5 (III) PRIMARY PERCUTANEOUS CORONARY INTERVENTION MAY BE
6 PERFORMED AT A HEALTH CARE FACILITY THAT DOES NOT PERFORM OPEN HEART
7 SURGERY AT THE SAME LOCATION.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 July 1, 2004.